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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,071	09/17/2003	Sami Poykko	59643.00174	3237

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SQUIRE, SANDERS & DEMPSEY L.L.P.  
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TYSONS CORNER, VA 22182

EXAMINER
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VU, MICHAEL T

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/664,071	Applicant(s) POYKKO ET AL.	
	Examiner Michael Vu	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's Remarks/Arguments filed October 20, 2006, have been fully considered but they are not persuasive.

In response to applicant's Remarks/Arguments in claims 1, 3 and 5 that references fail to disclose or suggest "at least the feature of analyzing an effect of ignoring a measurement" on page 5, line 4-5.

Examiner respectfully disagrees. The examiner must give the broadest reasonable interpretation to all claims 1, 3 and 5 that Dvorak clearly teach at least the feature of analyzing an effect of ignoring a measurement (see paragraphs Col. 2, line 23-35, Col. 4, line 39-59) disclosed that the measurements are used as the time difference and perform various forms of statistical analysis, such as ignoring the different values (Col. 2, line 23-35).

Dvorak fails to disclose or suggest that "suspicious data points are identified by analyzing the effect of ignoring a measurement" on page 5, line 11-12. And

References fail to disclose or suggest "at least the feature to identify suspicious measurements" on page 5, line 17-18. And references fail to disclose or suggest "at least the feature of an suspicious measurement identifier configured to identify suspicious measurements on page 9, line 7-8.

Art Unit: 2617

Examiner respectfully disagrees. The examiner must give the broadest reasonable interpretation to all claims 1, 3 and 5 that the combination of Dvorak and Kalliojarvi clearly teach a receiving device applying a list decoding error correction decoder have at its disposal memory block for temporarily storing the lists of decoded sequences that associated with reliability metrics, in which similar to the retransmission control unit that arranged to perform the replacements according to the selected replacement strategy either before any retransmission requests or concurrently use of other measurements than just the calculation of reliability metrics to identify the suspicious packets, frames and/or sub-packets. Further the receiving device decide that if the signal to noise ratio is above a given the threshold value, a cyclic redundancy check mismatch will always be interpreted as a single transmission error and consequently only one sub-packet will be identified as suspicious (Col. 13, line 22-40).

Therefore, the argued limitations are the same as disclosed by the reference or the limitations are written broad such that they read on the cited art, rejections are maintained as repeated below:

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dupray (US 6,249,252) in view of Dvorak (US 6,300,904), and in further view of Kalliojarvi (US 6,438,723).

Regarding **claims 1, 3 and 5**, Dupray teaches a method of providing information regarding a location of a mobile user of a communication system (Abstract, C8, L7-67 to C9, L1-67), the method comprising: performing measurements for provision of input data for a location calculation function (C48, L26-67 to C49, L1-5); deciding selected measurements for use by the location calculation a location estimate for a mobile user based on the selected measurements (C48, L26-67 to C49, L1-5).

But Dupray **is silent on** analyzing an effect of ignoring a measurement.

However, Dvorak teaches the multiple spaced apart receivers such that average time difference of arrivals of the signals are used to calculate a positions of the item to be located with desired accuracy and different measurement values are taken at different frequencies and perform various forms of statistical analysis, such as ignoring the different values (Figs. 1-6, C2-23-55, C3, L39-67 to C4, L1-67, C5 to C6, L1-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dupray, such that analyzing an effect of ignoring a measurement, to optimize the location accuracy, reliability, and efficiency, e.g. minimizing the inconsistencies or latency over the path.

Dupray/Dvorak **are silent on** to identify suspicious measurements.

However, Kakkiojarvi teaches method and arrangement for the reliable transmission of packet data that corresponding to the error detection method use of other than the measurements and calculation of reliable metrics to identify the suspicious packets or data (C13, L22-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dupray in view of Dvorak, to identify suspicious measurements, to enhance the reliability of the network transmission, e.g. minimizing the inconsistencies or latency over the path.

Regarding **claims 2, 4 and 6**, Dupray/Dvorak/Kalliojarvi teach in claim 1, wherein the step of analyzing further comprises analyzing a discrepancy (inconsistence or different) between the selected measurements and the location estimate (C48, L26-67 to C49, L1-5) of Dupray.

4. Claims 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dupray in view of Kalliojarvi. [Hereafter Dupray and Kalliojarvi]

Regarding **claims 7, 12, and 17**, Dupray teaches a location system (C3, L34-52) comprising: a controller configured to control at least one base stations (C10, L12-45); a location service node configured to provide a client application with a measurement regarding geographic location information of at least one mobile station (C8, L7-67); an interface configured to receive the measurement regarding the geographic location information of the at least one mobile station and to transmit the measurement regarding the geographic location information to a location device; the location device

Art Unit: 2617

configured to determine a location estimate based upon the measurement regarding the geographic location (C3, L34 to C22, L3); by analyzing a discrepancy between the measurement and the location estimate (C48, L26-67 to C49, L1-5),

**but is silent on** a suspicious measurement identifier configured to identify suspicious measurements

However, Kakkiojarvi teaches method and arrangement for the reliable transmission of packet data that corresponding to the error detection method use of other than the measurements and calculation of reliable metrics to identify the suspicious packets or data (C13, L22-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dupray, such that a suspicious measurement identifier configured to identify suspicious measurements by analyzing a discrepancy between the measurement and the location estimate, to provide the location accuracy, reliability, and efficiency, and minimizing the inconsistencies or latency over the path.

Regarding **claims 8, 13 and 18**, Dupray/Kakkiojarvi teach in claim 7, wherein the location service node provides location services for a plurality of client applications (Figs. #4-7, C17 to C21) of Dupray.

Regarding **claims 9, 14, and 19**, Dupray/Kakkiojarvi teach in claim 7, wherein the interface comprises a gateway mobile location center (C46, L20-67 to C47, L1-37) of Dupray.

Regarding **claims 10, 15, and 20**, Dupray/Kakkiojarvi teach in claim 7, wherein the location estimate is based upon a measurement regarding a position of the at least one mobile station relative to the at least one base station (C17 to C22) of Dupray.

Regarding **claims 11 and 16**, Dupray/Kakkiojarvi teach in claim 7, wherein the location device comprises the suspicious measurement identifier (C13, L22-40) of Kakkiojarvi.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



Art Unit: 2617

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131.

The examiner can normally be reached on 8:00am - 6:00pm.

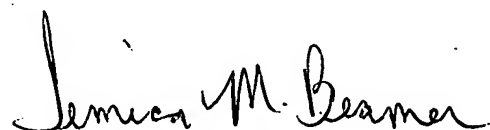
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael T. Vu

Examiner



TEMICA BEAMER  
PRIMARY EXAMINER